

REMARKS

The Office Action mailed July 16, 2004 has been carefully reviewed and the following remarks are made in consequence thereof.

Claims 17-45 are now pending in this application. Claims 17-30 stand rejected. Claims 27, 38, and 42 are objected to. Claims 31-45 are allowed.

The rejection of Claims 23, 28, 38, and 42 under 35 U.S.C. §112 is respectfully traversed. While the Examiner indicated that Claims 23, 28, 38, and 42 were rejected, Applicant respectfully suggests that Claims 23, 27, 38, and 42 were intended to be rejected and is responding accordingly. Claim 17 has been amended to provide an antecedent basis for Claims 23 and 27. Claim 38 has been amended to recite "said openings comprise a first edge and a second edge" and Claim 42 has been amended to recite "said edge." Accordingly, for at least the reasons set forth above, Applicant respectfully requests the Section 112 rejections of Claims 23, 27, 38, and 42 be withdrawn.

The rejection of Claims 17-21 and 28 under 35 U.S.C. § 102(b) as being anticipated by Rosenberry (U.S. Pat. No. 3,027,474) is respectfully traversed.

Rosenberry describes a rotor 10 including laminations supported on a shaft 11. The rotor includes a plurality of inner slots 12 each sized to receive a bar 14. A neck 20 extends from a slot wall toward an opening positioned within each slot. The neck divides each slot in to a large section and a reduced section 18. The reduced section and the neck are configured to limit the flow of current therein during starting, thereby supplying a greater amount of current through a main portion of the bars.

Claim 17 recites "a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration comprising a unitary body...an inner peripheral edge...a plurality of openings that extend through said body...said openings each comprising a first edge and a second edge, said first edge comprising a tongue, said tongue comprising a fixed end and a distal end, said tongue extending from said first edge into said opening, said first edge further comprises a semi-circular notch adjacent said tongue fixed end and said inner peripheral edge."

Rosenberry does not describe nor suggest a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration including a unitary body and a plurality of openings that extend through the body, openings each include a first edge and a second edge, wherein the first edge includes a tongue, the tongue includes a fixed end and a distal end, the tongue extending from the first edge into the opening, the first edge further includes a semi-circular notch adjacent the tongue fixed end and the inner peripheral edge. Rather, Rosenberry describes a slot with a neck extending from a slot wall. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Rosenberry.

Claims 18-21 and 28 depend from independent Claim 17. When the recitations of Claims 18-21 and 28 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claims 18-21 and 28 are likewise patentable over Rosenberry.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 17-21 and 28 be withdrawn.

The rejection of Claims 17-25, 28, and 30 under 35 U.S.C. § 102(b) as being anticipated by Maslennikov et al. ("Maslennikov") (U.S. Pat. No. 3,688,141) is respectfully traversed.

Maslennikov describes a squirrel-cage induction motor including a core that includes a plurality of one-piece stacks 1 having laminations with deep slots disposed therein. A plurality of split stacks 3 alternate with the one-piece stacks. Split stacks include outer parts 4 and inner parts 5 separated by annular gaps 6. A plurality of bars 7 are secured to a core by a plurality of wedges 8. The wedges are positioned between the bars and a bottom of the outer parts. The outer parts include a plurality of teeth 9 that include a plurality of cuts 10 that form annuli 11.

Claim 17 recites "a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration comprising a unitary body...an inner peripheral edge...a plurality of openings that extend through said body...said openings each comprising a first edge and a second edge, said first edge comprising a tongue, said tongue comprising a fixed end and a distal end, said tongue extending from said first edge into said

opening, said first edge further comprises a semi-circular notch adjacent said tongue fixed end and said inner peripheral edge.”

Maslennikov does not describe nor suggest a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration including a unitary body and a plurality of openings that extend through the body, openings each include a first edge and a second edge, wherein the first edge includes a tongue, the tongue includes a fixed end and a distal end, the tongue extending from the first edge into the opening, the first edge further includes a semi-circular notch adjacent the tongue fixed end and the inner peripheral edge. Rather, Maslennikov describes an outer part of a lamination that includes a plurality of teeth that each include a plurality of cuts formed therein. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Maslennikov.

Claims 18-25, 28, and 30 depend from independent Claim 17. When the recitations of Claims 18-25, 28, and 30 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claims 18-25, 28, and 30 are likewise patentable over Maslennikov.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 17-25, 28, and 30 be withdrawn.

The rejection of Claims 17, 19, 20, 28, and 30 under 35 U.S.C. § 102(b) as being anticipated by Endress (U.S. Pat. No. 3,778,652) is respectfully traversed.

Endress describes a rotor including a plurality of punchings 10 that each include a plurality of radially disposed slots. Each slot includes an outer narrow portion 12 positioned in a peripheral area of the punching. A main portion of the slot includes an inner wider portion that includes side walls 13 and 14. The side walls extend between outer end walls 15 and 16 and an inner end wall 17. A projection 20 extends from side wall 13 toward opposite side wall 14 a distance less than half the distance between the walls 13 and 14. A pair of end edges 21 and 22 converge toward the wall 14 and are arranged in spaced relation to slot end walls 16 and 17.

Claim 17 recites “a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration comprising a unitary body...an inner peripheral edge...a plurality of openings that extend through said body...said openings each

comprising a first edge and a second edge, said first edge comprising a tongue, said tongue comprising a fixed end and a distal end, said tongue extending from said first edge into said opening, said first edge further comprises a semi-circular notch adjacent said tongue fixed end and said inner peripheral edge.”

Endress does not describe nor suggest a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration including a unitary body and a plurality of openings that extend through the body, openings each include a first edge and a second edge, wherein the first edge includes a tongue, the tongue includes a fixed end and a distal end, the tongue extending from the first edge into the opening, the first edge further includes a semi-circular notch adjacent the tongue fixed end and the inner peripheral edge. Rather, Endress describes a projection that extends from a side wall toward an opposite side. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Endress.

Claims 19, 20, 28, and 30 depend from independent Claim 17. When the recitations of Claims 19, 20, 28, and 30 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claims 19, 20, 28, and 30 are likewise patentable over Endress.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 17, 19, 20, 28, and 30 be withdrawn.

The rejection of Claims 26 under 35 U.S.C. § 103(a) as being unpatentable over Rosenberry is respectfully traversed.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. The mere assertion that “[i]t would have been obvious...to modify Rosenberry’s invention and provide a tongue distal end comprising a raised pad that extends toward said outer peripheral edge since [it] was know[n] in the art that a change in size is generally recognized as being within the level of ordinary skill in the art...” does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and the Applicant given an opportunity to challenge the correctness of the assertion or the repute of the cited reference. Applicant has

not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicant with a fair opportunity to respond to the rejection, and fails to provide the Applicant with the opportunity to challenge the correctness of the rejection. Therefore, Applicant respectfully requests that the Section 103 rejection of Claim 26 be withdrawn.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on modifying the teachings of a single patent in an attempt to arrive at the claimed invention. However, there is no teaching nor suggestion in the cited art for the modifications deemed obvious by the Examiner, and as such, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated elements of a single disclosure have been picked and chosen in an attempt to deprecate the present invention. Of course, such a hindsight reconstruction is impermissible, and for this reason alone, Applicant requests that the Section 103 rejection of Claim 26 be withdrawn.

Further, and to the extent understood, Rosenberry does not describe nor suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 26 depends from Claim 17 which recites "a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration comprising a unitary body...an inner peripheral edge...a plurality of openings that extend through said body...said openings each comprising a first edge and a second edge, said first edge comprising a tongue, said tongue comprising a fixed end and a distal end, said tongue extending from said first edge into said opening, said first edge further comprises a semi-circular notch adjacent said tongue fixed end and said inner peripheral edge."

Rosenberry does not describe nor suggest a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration including a unitary body and a plurality of openings that extend through the body, openings each include a first edge and a

second edge, wherein the first edge includes a tongue, the tongue includes a fixed end and a distal end, the tongue extending from the first edge into the opening, the first edge further includes a semi-circular notch adjacent the tongue fixed end and the inner peripheral edge. Rather, Rosenberry describes a slot with a neck extending from a slot wall. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Rosenberry.

Claim 26 depends from independent Claim 17. When the recitations of Claim 26 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claim 26 likewise is patentable over Rosenberry.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claim 26 be withdrawn.

The rejection of Claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Maslennikov in view of Taylor (U.S. Pat. No. 1,950,197) is respectfully traversed.

Maslennikov is described above. Taylor describes a rotor that includes a plurality of laminae 1 including circumferential grooves 2. The grooves are sized to form conductor bars 4 therein. The laminae are positioned such that the grooves of each laminae are in alignment and form a longitudinal grooves in the periphery of the rotor.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify "Maslennikov's invention and provide a key way in the rotor and skewed rotor core as disclosed by Taylor since that would have been desirable in order to mount the rotor to a shaft and provide longitudinal groove in the periphery of the rotor for casting the rotor bars." More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." *In re Kotzab*, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01. Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that

"[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible...to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Although it is asserted within the Office Action that Maslennikov teaches the present invention except for the rotor having a central aperture comprising a key way and the lamination stacked such that said ore slot are skewed, and that Taylor teaches a rotor having a key way for mounting a rotor to a shaft with a skewed core in order to form a longitudinal groove in the periphery of the rotor for casting the rotor bars, no motivation nor suggestion to combine the cited art has been shown. Rather, Applicant submits that Maslennikov teaches away from Taylor in that Maslennikov describes an outer part of a lamination that includes a plurality of teeth that each include a plurality of cuts formed therein, while in contrast, Taylor describes a plurality of aligned grooves in the periphery of the rotor. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejection of Claim 29 be withdrawn.

Moreover, if art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicant respectfully submits, as described above, that Maslennikov teaches away from Taylor, and as such, thus supports the nonobviousness

of the present invention. Consequently, the presently pending claims are patentably distinguishable from the cited combination.

In addition, and to the extent understood, no combination of Maslennikov and Taylor describes or suggests the claimed invention. Specifically, Claim 29 depends from Claim 17 which recites “a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration comprising a unitary body...an inner peripheral edge...a plurality of openings that extend through said body...said openings each comprising a first edge and a second edge, said first edge comprising a tongue, said tongue comprising a fixed end and a distal end, said tongue extending from said first edge into said opening, said first edge further comprises a semi-circular notch adjacent said tongue fixed end and said inner peripheral edge.”

No combination of Maslennikov and Taylor, describes or suggests a lamination configuration for use in a rotor core of a dynamo-electric machine, the lamination configuration including a unitary body and a plurality of openings that extend through the body, openings each include a first edge and a second edge, wherein the first edge includes a tongue, the tongue includes a fixed end and a distal end, the tongue extending from the first edge into the opening, the first edge further includes a semi-circular notch adjacent the tongue fixed end and the inner peripheral edge. Rather, in contrast to the present invention, Maslennikov describes an outer part of a lamination that includes a plurality of teeth that each include a plurality of cuts formed therein and Taylor describes a plurality of aligned notches in the periphery of the rotor. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Maslennikov in view of Taylor.

Claim 29 depends directly from independent Claim 17. When the recitations of Claim 29 are considered in combination with the recitations of Claim 17, Applicant submits that Claim 29 likewise is patentable over Maslennikov in view of Taylor.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claim 29 be withdrawn.

The objection to Claims 27, 38, and 42 is respectfully traversed.

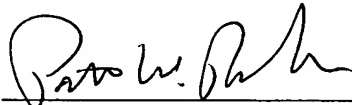
Claim 27 was objected to as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any

intervening claims. Claim 27 has been amended to overcome the section 112 rejections and depends from independent Claim 17 which is submitted to be in condition for allowance. When the recitations of Claim 27 are considered in combination with the recitations of Claim 17, Applicant submits that Claim 27 likewise is in condition for allowance.

Claims 38 and 42 were objected to as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that Claims 38 and 42 depend from independent Claim 31, which the Examiner has indicated in the Office Action as allowable. Moreover, Claims 38 and 42 have been amended to overcome the section 112 rejections, and as such, are submitted to be in condition for allowance.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Patrick W. Rasche
Registration No. 37, 916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070